

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 05-241-JM
)	
Land and Buildings Located at 56 Hobbs Road,)	
Pelham, New Hampshire, with all Appurtenances and)	
Improvements Thereon, owned by Agustin Manrique)	
)	
Defendant-in-Rem.)	
)	

ORDER FOR INTERLOCUTORY SALE

Having reviewed the Assented-To Motion for Interlocutory Sale of Land and Buildings Located at 56 Hobbs Road, Pelham, New Hampshire,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

1. The defendant property, Land and Buildings Located at Located at 56 Hobbs Road, Pelham, New Hampshire, shall be sold at an interlocutory sale pursuant to the terms set forth in the Assented-To Motion for Interlocutory Sale;

2. The claimant, MERS/Countrywide Home Loans, will execute promptly any documents which may be required to complete the interlocutory sale of the defendant property;

3. United States Immigration and Customs Enforcement ("ICE") through it's contractor, EG&G Technical Services, Inc. ("EG&G"), will select a licensed real estate broker to market and sell the defendant property, pursuant to a brokerage agreement for a term of at least four months, at a price to be determined by the broker and ICE of not less than 95 percent of the value of the property shown on the appraisal commissioned by EG&G;

4. The United States and all parties in interest will be notified of all reasonable offers to purchase the defendant property;

5. If the highest offer to purchase obtained within the term of the brokerage agreement is less than 95 percent of the appraised value, the sale shall go forward only if the United States and all parties in interest agree to the sale. If an offer to purchase is received for a figure of 95 percent or more of the appraised value, the broker, ICE and EG&G may enter into a sales contract without the prior consent of the United States and all parties in interest. The United States may, in its sole discretion, reject any offer to purchase the defendant property where it determines that the offer is being made by, or on behalf of, a person involved in the criminal activity alleged as the basis for forfeiture;

6. The purchase price of the defendant property will be a cash price;

7. The net proceeds from the sale of the defendant property will include all money realized from the sale of the defendant property, except for the following:

a. Real estate commissions, if any;

b. The amounts due to lienholder MERS/Countrywide Home Loans, pursuant to a mortgage evidenced by documents recorded at the Hillsborough County, New Hampshire, Registry of Deeds;

c. Amounts due the holder of any other valid lien which was recorded at the Hillsborough County Registry of Deeds prior to the time the United States' Notice of *Lis Pendens* was recorded;

d. Real estate property taxes which are due and owing;

e. Insurance costs, if any;

- f. Escrow fees;
- g. Document recording fees not paid by the buyer;
- h. Title fees;
- i. Transfer taxes;

8. The net proceeds realized from the sale of the defendant property shall be transmitted to the United States Immigration and Customs Enforcement, Department of Homeland Security, through a bank or cashier's check made payable to "United States Immigration and Customs Enforcement, Department of Homeland Security" and shall be substituted as the "res" for the defendant property in this proceeding. The net proceeds (substitute res) shall be held by the United States Immigration and Customs Enforcement, Department of Homeland Security, pending further order of the Court;

9. MERS/Countrywide Home Loans represents that it is paying for existing hazard and homeowners' insurance on the defendant property, and is keeping current on all expenses required by federal, state and local law (including real property taxes). These expenses will be credited to MERS/Countrywide Home Loans as Escrow fees under paragraph H(5), to be paid from the proceeds of the sale at the time of closing.

/s/ James R. Muirhead

Dated: April 5, 2006

United States Magistrate Judge